Scott. II-27—104,000—4-11-[illegible]

Development **(195 |) Department.**

MS **SERIES.**

G.O. NO. 542

Dated 3.2.1951

[Despatch Abstract.]

Establishment Industries Govt. Silk Factory

Kollegal Sri. Appaswamy. Removal as

Operative. Appeal. Order passed

From
A. Appaswamy,
Foremen (On leave)
Government Silk Filatures,
Kollegal.

To
The Chief Secretary to Government,
Government of Madras,
Ft. St. George,
Madras.

Thro'
The Sericultural Expert,
Kollegal.

93101

Sir,

Ch. Secy.

THIS IS AN APPEAL from the Order of the Director of Industries & Commerce, Madras in his Memo No. 6800-D.1.49 dated 30-7-49, communicated by the Sericultural Expert, Kollegal in his Endorsement No. A.4. 17085-49 dated 5.8.49. The date below the Experts' signature is '6' which has been overwritten to read as '5'. This reached me on 10-8-49.

2. The appeal is in time.

3. The order in appeal is not consistent with the Government Order on the subject. It is a violation of it. The order is on my appeal dated 21-3-49 against the Order of the Sericultural Expert, Kollegal in his No. 1578/E-47 dated 27-2-49. The Director has missed the main point in appeal.

4. The language of the Order of the Sericultural Expert is worthy of notice. Under the head 'Subject' in his order the Expert says that "due to temporary closure for a period of three months from March, 1949" "retrenchment of staff—ordered". The body of the order opens with the sentence "consequent on the proposed temporary closure of the Government Silk Filatures, Kollegal, the following transfers are ordered". Is it a 'transfer' or 'retrenchment'?. A transfer should appear to mean posting of an officer from one post to another of equal grade. But the Experts' order itself admits that "Sri A.Appaswami, Foremen, G.S.F.— Kollegal is "reverted" — as Operative". The Expert attributes this to "the abolition of one of the posts of foremen". All told,

it is a case of retrenchment and should have been adjudged on merits according to G.O. No. 108, Public (Services), dated 10-1-1949. This has not been done. This G.O. clearly protects seniors like me enjoining as it does the discharge of junior most members. Accordingly other foremen who are my juniors should have been discharged before me. Sri Raghunatha Rao, Demonstrator; Gulam Abbas Syed, Farm Foremen, Hosur; T.S. Seshadri, Demonstrator, Hosur and Azimudin, Moth Tester, Kollegal; are all my juniors for periods from two to three years. Not one of them is qualified for his post. Sri V.N. Kurian, Market Officer, Kollegal; Janab Sheik Ahmad, Demonstrator, Kollegal; Sri Raganatha Rao, Farm Manager, Horapanahalli; Dasaratharaman, Coooon Store Assistant, Kollegal; and T. Dakshinamurthy, Seed Campaign Assistant, Dankanikota; are among those who are not qualified not merely for their present post but even to be moth testers. Probably Raghavendra Rao has read up to the IV Form and the others III Form or less. They have not even the minimum qualification for entry into Public Service. Dasaratharaman is besides my junior having been recruited by me as Assistant Foremen. Sri T. Dashinamoorthy who never entered the portals of a high school and who in 1947 was suspected of misappropriating Government money and so reverted has, instead of being checked out as unqualified and not bearing a good character, been promoted as Seed Campaign Assistant about the time of my reversion. It is rumoured that a like charge is pending investigation against him and that he ~~has~~ is absconding. Janab Ismail, Factory Assistant and Janab Syed Uddin, Silk Store Assistant Government Silk Filatures, Kollegal are both disqualified being over aged.

5. According to the orders of the Sericultural Expert, in appeal, mine is a case of retrenchment and is governed by G.O. No. 108 Public (Services) dated 10-1-49 The junior most should be sent out. The reverse step was taken

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by the Expert in ousting me, the senior, no question of qualification was raised by the Expert in his order referred to above. It cannot be raised now and that too behind my back. It is too late in the day for him or for the Director to do so now.

6. According to the order of the Expert No. 1578 E-47 dated 27-2-49 one of the post of Foremen and one only was abolishedas the Filature was to be closed temporarily. There were other foremen and other employees in equal posts one of whom should have been removed as being the junior -most. They do not have superior qualification to mine. As shown in para 4 above there are several unqualified men in service.

7. Even his belated plea of qualification which was not raised in his order now in appeal has not been applied to others noted above who lack length of service as much they lack qualifications. Yet they are retained and even granted preferment. When a order relating to qualifications for employees in a service is sought to be enforced, one would expect to apply equally to all posts in similar circumstances. Does the above show such application? A glaring breach of rules will be seen to have been practised on me by the Expert.

8. In regard to general qualifications few men in the non-gazetted ranks are qualified according to rules. Where they are, they lack professional qualifications or service or experience as prescribed by the rules. So judging even Mr. A. Ramachandra Rao, A.S.E., I., does not hold the minimum qualification for service. He isnot even an S.S.L.C., Some are barred by age from holding their posts.

9. So far as the Technical Qualifications go, I may be permitted to submit that I was trained in the same Sericultural class---The Central Sericultural School, Mysore--

as the present Expert was. Few of my collegues can prefer this claim.

10. I am not the only person lacking qualification as the Expert says. There are many in the service suffering from defect of qualification of one kind or another. They have not, any of them, been disturbed. Copy of my appeal to the Director is herewith enclosed for favour of perusal. Para 4 of it from the bottom should show that I was appointed to the post of Labour Recruiting Assistant as in the opinion of the then Expert and the then General Manager of the G.S.F., I was the best fitted for the post. Appointments were then made with a realistic and objective view of men and material to meet the emergency.

11. Another appeal from me against the order of the Sericultural Expert in his No. 8204/S.47 dated 6.4.49 is pending before the Director. I am not sure whether comment on it would be proper as the matter has not been disposed of. Some reference however is unavoidable. There has been and there is bad blood between the Sericultural Expert and Mr. Kannan Technical Manager, Government Silk Filatures. The Expert tried to use me against him. I refused to become his tool. The result is the order now in appeal and another lying before the Director, awaiting disposal. I herewith enclose copy of the last part of Para 9, of that appeal.

> But when he was out of the woods Mr. Karunakara Roy, refused to accommodate the Expert, and rightly so, as against Mr. Kannan. He would not implicate an innocent and popular officer; others were punished for one reason or other because they would not go against Technical Manager. I was on good terms with Mr. Kannan. all the while on the whole popular among collegues and he was kind and true to me. The Expert tried to wean me from him and asked me to use my influence against Mr. Kannan. But pleading inability I incurred his wrath. The result is this baseless charge and this undeserved punishment. This follows close on the heels of an order of reversion in his reference No. 1578-E.47 dated

27-2-49 of the Sericultural Expert, Kollegal which is in appeal before you".

12. To sum up, the Sericultural Expert treated my case as one of retrenchment. The relevent G.O. No. 108 Public (Services) dated 10-1-49 directs discharge of the junior most. I am the senior most and should not have been reverted. The Expert has been actuated by malice and has acted turning his blind eye at the relevent orders and rules and has wholly ignored them.

13. Even if the question of qualifications should found relevent, the application is much belated and ignores years of proved service particularly those during the war totalling over six years. Other employees referred to above are equally vulnerable with me and should go before me. being my juniors. It is merit deriving from work and not from school certificate that counts in Technical services. My work has been approved by Mr. K.I. Achiah the first Sericultural expert with the Government and by Mr. Pechaud Deputy Director of Industries of the Government of India and the then General Manager, Government Silk Filatures, Kollegal.

14. Probably a plea of inapplicability of the principle of seniority to appointments under the Emergency Rules of the Civil Service Regulations may be advanced by the Expert. But it will be seen that such a plea cannot stand as the obligations of service on these nominees are the same as those on the others appointed ~~elsewhere~~ otherwise. Common obligations should confer common rights. Elementary principles of justice and fairplay would appear to be applicable to all servants appointed under the provisions of the Civil Service Regulations.

15. For the foregoing reasons I request that you may be pleased to cancell the order in appeal and retore me to

my post of FOREMEN. The latest Government Order even in regard to temporary employees prescribes fairness and sympathy and leans towards their retention. My total service in the Department is a little less than 14 years.

I beg to remain,
Sir,
Your most obedient Servant,

A. A. Ppasnavis

Kollegal, ::
Dated: 9-9-29

Copy Submitted to the Chief Secretary to Government, Madras, direct to save delay.

Copy to the Sericultural Expert, Kollegal.

Copy to file.

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No. 1578/E-47. Office of the Sericultural Expert, G.S.F., Kollegal, dated 27th February, 1949.

Proceedings of the Sericultural Expert, Government Silk Filatures, Kollegal.

****

Name: Sri A.T.Janakiraman, B.Sc.,

Sub: Government Silk Filatures, Kollegal - Temporary closure for a period of three months from March 1949 - Retrenchment of staff -- Ordered.

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ORDER:

Consequent on the proposed temporary closure of the Government Silk Filatures, Kollegal the following transfers are ordered:--

1. On the abolition of one of the posts of Foremen, Sri A.Appaswamy, Foreman, Government Silk Filatures, Kollegal, is reverted to the Sericultural Section as Operative from 1.3.1949. He should be relieved at the Government Silk Filatures, Kollegal on 28.2.49. On reversion, Sri A.Appaswamy is posted as Operative, Central Silk Farm, Kollegal, vice Sri N. Sankaranarayanan, Operative. Sri A. Appaswamy should report for duty to the Assistant Sericultural Expert (Mulberry Research), Kollegal.

2. Sri N. Sankaranarayanan, Operative, Central Silk Farm, Kollegal, on relief by No.I is posted as Operative, Central Grainage, Kollegal.

(Sd) A.T. Janakiraman
Sericultural Expert.

To

Sri A.Appaswamy, Foreman thro' The Manager (Tech).

Forwarded:

(Int) ..
T..28.2...

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reduction which is however misnamed as "transfer".

G.O. No. 108, Public (Services) dated 10-1-1949 is quite clear as to how to deal with such cases. Rule 5 (a) (5) expressly declares that juniority should alone count and that the juniormost should be ousted first. The seniors are expressly protected against discharge in favour of juniors.

I was transferred from the Sericultural Section to the Filatures when the Filatures were opened, as being the best-fitted for the post of Labour Recruiting Assistant against the rival claims of others whom the then Sericultural Expert and the General Manager of the Filatures found unfit for the Job. The General Manager was an officer of the Government of India. He approved my selection to the post. This was over six years ago. Since the appointment to the Labour Post the then Manager entrusted additional work to me involving functions vital to the Filatures, such as the Procurement of the Chief raw material, viz., Silk Cocoons, their storage, etc.,. This designation was then changed to "Foreman" as all these posts were of the same grade. I have been working as such for the last three years or more. The posts of Cocoon store-keeper and Silk store-keeper are of the same grade as that of Foreman.

The remaining four Foreman and holders of the other offices of equal grade and status noted above are all juniors to me by periods ranging from about four months to about two years or a little less. This is so far as service in the Filature aline is concerned. But as submitted above I have put in eight years' service in the Sericultural Section before I was drafted to the Filatures as stated above. This would clearly show that I am far too senior to those now retained.

The order under appeal is therefore opposed to all canons of justice and relevent rules and offends against the G.O. cited. My claims are fair and just and based on Government orders.

I therefore humbly submit that you may be pleased to

set aside the order of the Sericultural Expert and restore me to my old office, status and grade.

Yours faithfully,
(Sd) A. Appaswami

Kollegal,
21.3.1949.

Copy submitted to the ~~D. of I.~~ D. of I.& C. Madras, direct to save delay.

--True copy--

To A.S.

This is only advance copy of the appeal submitted by Sri A. Appaswamy through proper channel. The copy submitted through proper channel may be awaited till 20-10-49.

Dy 12 Rec'd 29.9.49.

To A.S.

The copy submitted through proper channel had not yet been received. It may be awaited till 5-11-49.

Dy 22 Rec'd 22/10/49

To A.S.

The copy submitted through proper channel has not been received. It may be awaited till 25-11-49.

Dy 8/11/49

P(Legal) dt 11-11-49. Memo No 98101 dt (Leg-1) dt 14-11-49.

Sub:- Estt - Industries Dept - Sri A. Apparaoni G.S.F, Kollegal - Reversion as Operative Appeal

The dte is requested to state whether the appeal submitted by Sri A. Apparaoni through proper channel has been received by him and if so when it will be forwarded to the Govt

To The Dte
Rd. 16-12-49.

11/11 11.11.49

12/11

From:
A.Appaswamy,
Foreman on leave,
Government Silk Filatures,
Kollegal.

To:
The Chief Secretary to
Government of Madras,
Madras.

Through: 112773
The Sericultural Expert,
Kollegal.

Sir,

C.S (Tappal)
Dev. No
17/11/49
17.11.49
No. 2506/49.1
17.11.49.

This is an appeal from the order of the Director of Industries and Commerce, Madras, in his proceedings N.D. Dis 4733-E-1/49 dated 15th October 1949 which reached me on the ~~fore~~after-noon of 29th October 1949.

2. The appeal is in time.

3. The order in appeal is opposed to the weight of evidence and the probabilities ~~of~~ the case.

4. There has not been proper appreciation of evidence or of the facts ~~of~~ the case.

5. Under the caption " Read" the order in appeal shows that besides my petition of appeal only a letter from the Sericultural Expert was perused. Connected records are not shown to have been perused. This omission incapaciated the Director from assessing the merits of the case and it led him from the truth and from justice. It may be noted that the Expert took one month or a little over to submit his letter.

6. The order in appeal is lacking both ~~the~~ in form and content. It does not contain the grounds leading up to the decision. This is unfair and opposed to the official proceedure in vogue. It merely states that the appeal is dismissed" This singular departure from an accepted course of official proceedure should indicate the absence of any grounds that could reasonably support such an order. Keeping the aggrieved person in the dark it disables him from either accepting or assailing the order on merits. The defect~~ive~~ is substantive and material and vitiates the order. It deprives him of reasonable means of defence against it.

7. Proceedings such as the one in appeal ~~often~~ open in the name of the Officer concerned and end with his signature.

The order in appeal has neither the name nor the signature of the Director. One does not either know what office the subscriber thereto holds in the directorate. A doubt, will not in the circumstances, be unnatural that the matter was not placed in its entirety before the Director. In full knowledge of the facts of the case, the Director could not have passed this unfair order.

8. The indictment against me was one of intimidation. It was the only charge. The records of enquiry either proved it or did not. There ought to be a finding by the Director on this issue. But there is none. In the face of the Expert's finding in the affirmative a finding by the appellate authority would appear to be essential and unavoidable The failure to give a finding is a vital defect indicating that the matter has failed to receive his attention in all its aspects.

9. Stripped of its verbiage the order of the Sericultural Expert in his No. 8204-S/47 dated 6th April 1949 is to the effect that because Mr. Ahamad Ismail, his only witness and the so called complainant Mr. O.Veeraraghavachari speak alike the charge against him is proved and that the punishment follows. A perusal of appeal to the Director dated 18-5-1949- para 6 would show how instead of proving intimidation Mr. Ismail's evidence disproves it. Para 12 ibid would show what a self seeking truant the alleged complainant is and how in his attempt to have the cake + eat it too he landed himself in a scrape and in sheer self defence he played into the hands of the Expert and permitted himself to be noseled by him in to abortive perjury against me.

10. Para 15 ibid would disclose the Expert's malice against me and his motive for his belated and trumped up charge against me. 16 will also show how the he with open eyes excused or let slip the real culprits in the strike. It

will further show his foiled hope of booking Mr. Kannan (Manager-Technical.) recoiled on me because I did not choose to be a party to the foul attempts against the Technical Manager.

11. It will be seen from the records that my appeal was disposed of nearly three weeks after my reminder to the Director and over five months before the order reached me though the matter was simple and the only record perused was a letter from the Expert. Does this ~~reminder~~ indicate that the appeal was held from the Director for a needlessly long time? Who could be interested in delaying disposal but the person who levelled the charge against me? Does not this point to the influence the Expert has over office establishment in the Directorate? The needless delay in and the manner of disposal of the appeal would appear to suggest a suspicion that way. With his malice against me the Expert may not make bones to turn any stone.

12. Crime and punishment go together. The one following the other. But mine will be seen to be a case of no crime and heavy punishment.

13. It is requested that connected records may be sent for and perused.

14. Copies of (1) My appeal to the Director
(2) dated 18-5-49 against S.E's order
(3) 8204-S/47 of 6-4-49
Directors order No 4733-E1/49 dt 15-10-49
are enclosed for favour of perusal.

~~16.~~
15. Intimidation is unproved. Nay it is disproved by the statement of Mr. Ismail as much as by the so called complainant.

16. It is therefore prayed that the order in appeal may be cancelled and I may be restored as Foreman.

yours faithfully
A. Abdul Rahman

Kollegal.
dt 15-11-49

Copy submitted direct- to save time

Proceedings of the Director of Industries and Commerce. 2/22

N.D.Dis 4733-E.1/49 Madras. dated 15th October 1949

Sub: N.G.O's strike- December 1947- action against strikers- Sri A.Appaswamy, Ex-Foreman, Govt. Silk Filatures,Kollegal case of intimidation- appeal petition on the orders of the Sericultural Expert- Dismissed.

Read:- Appeal petition dated 1 -5-1949 from Sri A.Appaswamy
2. Letter No. 8204/A/47 dated 20-6-1949 from the Sericultural Expert.

Order:-

The appeal is dismissed with the following modification in the orders passed by the Sericultural Expert.

"The reduction of Sri A.Appaswamy to a lower stage in his time scale of pay shall be effective for a period of two years on the expiry of which he will begin to earn increments; and the period of two years for which the reduction has been ordered will be exclusive of any interval spent on leave before the period is completed".

V.Venkatrayadu
For Director of Industries and Commerce.

To
Sri A.Appaswamy, Ex-Foreman, Government Silk Filatures,Kollegal
Through the Sericultural Expert, Kollegal.

Copy to the Sericultural Expert, Kollegal (By Registered post)
The records received with his letter cited are returned herewith.

Copy to 'D' section.

/Forwarded/By Order.

Sd.
Superintendent.

MRP/19-10.

//True Copy//

From:
A.Appaswami,
Foreman on leave,
Government Silk Filatures,
Kollegal.

To:
The Director of Industries
& Commerce,
Madras.

Through:
The Sericultural Expert,
Kollegal.

Sir,

This is an appeal against the order of the Sericultural Expert, Kollegal in his reference No.8204-S/1947 dated the 6th day of April, 1949 received by me on the afternoon of the 8th day of April 1949.

2. This appeal is in time.

3. The order in appeal is irregular for the following among other reasons.

(1) THE charge is not framed according to rules.

(2) THE enauiry was not conducted as prescribed by the relevant rules and Government orders.

(3) THE conclusions arrived at by the Sericultural Expert are not supported by evidence and they are against the weight of evidence.

(4) ON the evidence before him he should have come to the conclusion that the charge was not proved.

4. With permission I will deal with these points seriatum in detail.

THE CHARGE.

The first charge is contained in his reference No. 8204.S./1947 dated the 12th day of March 1948. The charge is laid nearly three months fa after the alleged occurrence. The charge is 'Guilty of act of intimidation against those who did not join the strike'. The charge is as vague as it can be. It does not specify the date or place at which the alleged act of intimidation was comitted nor the person against whom it was comitted. On my questioning a fresh charge was laid in Sericultural Expert's Ref. No.8204/S/47 dated the 20th day of November 1948; i.e. over 8 months after the firest charge and over eleven months after the occurrence.

In the first charge no document or evidence forming the basis of the charge is stated as required by rules. It is in this fresh charge that Sri O.Veeraraghavachari is mentioned as the person against whom I am alleged to have exercised the act of " Obstruction" from his going to the office. It has taken over 8 months to trace and secure an aggrieved person and to fix upon the overtact committed by me Such a person is shown to be Sri O.Veeraraghavachari who according to the Sericultural Expert is " The only solitary-senior official in the Sericultural and Filatures section who did not join the strike". It should not have taken so long to find out this person. Nor was it necessary in the face of the 'Complaint' of the said senior official dated the 17th day of December 1947. If this complaint in writing existed in fact on the date appearing on it the delay of three months on the part of the sericultural Expert in laying the first charge on me and absence of all reference to this basic record or to its author in that charge is inexplicable. The delay of over eleven months in laying the 'Fresh charge' becomes still more incapable of explanation in the face of this alleged 'Written complaint" on the 17th day of December 1947 by Sri O.Veeraraghavachari to the Sericultural Expert, Kollegal.

2. What is the natural inference?. The complaint so called ~~fe~~ was not in existance on the alleged date. It should have been brought into existence subsequently and antedated. To cover up the extraordinary delay and explain away this strange inaction for nearly a year it is 'Confidential letter..... to the Sericultural Expert". Copy of this so called'complaint' furnished to me by the Sericultural Expert is worth examination. A true copy of a complaint should indicate the name of the person making it and contain his signature. The complainant should name himself and it should contain an indication of his having signed it. But the copy

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furnished nowhere records the name of Sri O.Veeraraghavachari the alleged complainant. It does not even style itself a "complaint" it calls itself " A Confidential Letter" to the Sericultural Expert. "Confidential"would appear to indicate that the letter ~~of~~ its contents is meant only for the ears of the addressee and none else. But a complaint is a public document deleberately meant for publication and public scrutiny and action. If therefore the alleged complainant did really mean what is attributed to him and wanted action according to law to be taken on it, he as a"senior official" would not have made a secret of it or asked the Expert to observe secrecy about it. A complaint bears the complainant's signature and designation,if any, at the bottom and under it appears the signature and designation of the officer granting the copy. But the copy granted to me has no indication of his signature and his designation at the bottom nor is there any space at the bottom for either or for that matter for the words "True Copy" which appears at the left margin of the copy over the signature of the Silk Expert. The last line of the alleged complaint is so close to the bottom that one wonders how the last line could have been typed at all. Does not this raise a fair suspicion that the last lines of the complaint were also typed but when the copy came before the Silk Expert for signature he found those lines to contain matters contradicting or seriously damaging the charge and therefore cut off that portion? An examination of the original should throw light on this.

3. It is for you to see whether this "Confidential letter" with the foregoing vitiating factors can be treated as complaint. What does this complaint alleged against me? Referring to the incident near the bridge the complaint says " In the meantime they sent words to the Assistant Secretary Mr. Appaswamy. He came by about 11-15 a.m. and fell at my feet and asked me to return" Proceeding the

complaint reads " that on Mr. O.Veeraraghavachari's flat refusal to comply, he Mr. Appaswamy abused in the filthiest language-- Canarese and told the crowd to let the man go" Even according to the complaint I come on invitation and fall at the feet of the complainant and asked him to return. In his deposition before the Silk Expert, dated the 21st day of February 1949 he says that ' at the time Mr.Appaswamy was not there but he was sent for..... so that he could make an appeal to me..... Mr. Appaswamy came from town and he appealed to me..... to go back to my house..... When Mr. A.Appaswamy found that his entreaties had failed he lost his temper a little and then indulged in abusive language..... He appealed to me not to proceed to the office and prostrated before me holding my feet..... when his efforts failed, he went away to the town saying that he would bring the Secretary to make further appeal to me".

4. Does the complaint lay a charge of intimidation or does Mr. O.Veeraraghavachari's statement show that I intimidated him? Is reviling synonymous with intimidation? Is prostrating before one and holding his feet and appealing tantamount to intimidation?. Can there be any attitude or act farther from intimidation? Is it not the very reverse of it? In cross-examination to the question " did I not tell the crowd to let you go" he does not give a flat 'NO' but says' I do not think so ' because about 15 months ago in his complaint of a 'Confidential letter' to the Expert dated 17-12-1947 he has said in no ambicuous language "Mr. Appaswamy told the crowd to let the man go" and he could not quite eat it up. Further in his cross examination he says " there was no bodily or any trouble except hurling slang words against me" He therefore explains what he means by ' the group became militant."

5. Three witness were examined in support of the complaint. One of them Mr. K.N.Venkatesan, Pathology Assistant has nothing to say against me or in support of the complaint. He does not even mention the bridge. His statement would appear to say that he knows nothing about the bridge

incident. The other witness for the complainnant is Mr. R. Seetharaman, Assistant Foreman, Government Silk Filatures, Kollegal. He does not anywhere say that I threathened either the complainant or anyone else attending the office. He clearly says "there was no threat offered to me by Mr. Appaswamy"

6. The only other witnesses for the complainant is Mr. Ahmad Ismail- Ex-Manager of the Government Silk Filatures and now Filature Assistant. In his deposition he says that I came to the spot on invitation and made an appeal to Mr. O. Veeraraghavachari and held his feet also. Mr. O.Veeraraghavachari was still adamant and wanted to go to office. Mr.Appaswamy thereupon got up and said 'let this man goaway'. In his earlier statement dated 12-6-1948 i.e. eight months before the enquiry during his personal interview with the Expert, when evidently there was no one else, Mr. Ismail Says he " Mr.O.Veeraraghavachari was stopped short by some of the staff members of the Government Silk Filatures'. He does not mention Mr.Appaswamy. Proceeding he says " I also appealed to him to join the cause of the strike but told him that he is free to go for work if he does not see eye to eye with the rest. Mr. Appaswamy came to the spot later and appealed to him to join the strike and the then caught hold of his feet and made another appeal. After this also the former was very adamant. On this the latter got up and scolded him in Canarese..... After that he said if he wanted to go he may do so. Only he was not allowed by some other". This would clearly show that there was no threat by any one of the crowd near the bridge and there was none by me.

7. It will be clear from the foregoing that I offered no threat to Mr. O.Veeraraghavachari. The complainant does not lay the charge of intimidation against me and the evidence does not prove any.

8. The order in appeal reads " The detention of Mr. O.Veeraraghavachari from going to office and indulging in abusive and offencive language would amount to cow down Mr. O.Veeraraghavachari" According to the complaint dated 17-12-1947 Mr. Appaswamy fell at his feet and asked him to return and when his appeal failed, he Appaswamy abused him in the filthiest language and told the crowd to let the man, O.Veeraraghavachari to go." This is corroborated by Mr. Ismail's earlier and later statements.

9. Neither in his complaint nor in his statement at the enquiry does Mr. O.Veeraraghavachari say that I detained him nor do the witnesses on his behalf say so. Mr. Ismail definitely denies any forcible prevention of Mr.O.Veeraraghavachari. He says Sri O.Veeraraghavachari wanted to go to the office. Sri Appaswamy thereupon got up and said "Let this man go away". ... Later Sri Appaswamy went away to Kollegal along with the others". It follows from this that when his appeal and antreaties failed a I left for Kollegal and the crowd also left with me to Kollegal. There was therefore no one to detain Mr. O.Veeraraghavachari. The same witness times my departure at about 12 noon. According to Mr. O.Veeraraghavachari, I left the spot for Kollegal at about 11-45 a.m. So if he cared to go to office he could have gone about half an hour late. The office is just a furlong from the bridge. But according to himself he says he stays there till " about 12 noon or 12-10 p.m." According to his witness Mr. Ismail "outsiders were passing along the road that day. There was plenty of space in the road for Mr. O.Veeraraghavachari to go to the Office" He does not go. Is his staying away in these circumstances anything but voluntary? Does this prove detention? This stay will be seen to be voluntary on the part of Mr. O.Veeraraghavachari. There was therefore no detention at any rate on my part.

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10. The complement to detention making for intimidation according to the Expert's order is "abusive and offencive language". In his complaint he does not mention any word or expression which according to Mr. O.Veeraraghavachari constituted " ABUSE". It may be noted that this is his only accusation against me. In his statement at the enquiry he could not clearly understand ' the abusive language in Kanarese'. Proceeding further he says that he knows a little bit and characterises it as not "POLITE". What does Mr. Ismail on whose sole evidence the order in appeal is based say? In his earliest statement to the Expert during his personal interview on 12-6-1948 Mr. Ismail says that when Mr. Appaswamy's appeal failed " he got up and scolded him in Kanarese. I do not exactly remember what he actually said but I do know that he had used some strong and obscene words". According to his own admission Mr. Ismail knows Kanarese and could understand and also speak a little. But he " cannot remember the exact words" as he failed to ~~rember~~ remember them on 12-6-1948. He can however "guess the purport" and on 12-6-1948 he said it was "scolding" In cross examination the complainant does not say they were abusive words. His statement is " I know they were slang words having heard from low class people". Even the words he quoted from memory or in the vocative plural and can only apply to the crowd who were asked by me " to let the man go" Though Mr.Ismail can understand and speak a little Kanarese he is unable to corroborate the complainant in regard to the words used. Witness Venkatesan says " <u>there was neither insulting taluk nor forcible prevention</u>" He has nothing against me. Likewise the remaining two witnesses do not speak to any abuse. The story of abus amounting to intimidation is fabrication.

11. At least has my presence at the bridge been proved. The Pathology Assistant and R.Seetharaman,witnesses for the complainant do not speak to any occurrence at the bridge.

The other witness Thangappa says " Mr. Appaswamy was not there" None of these three witnesses for the complainant speaks to my presence at the bridge. The only witness who speaks to my presence is Mr. Ismail. He is not corroborated at all by fellow witnesses and stands all alone. A word about him is necessary. He had been reduced since the strike from the post of the office manager of the Government Silk Filatures to that of Filature Assistant. There was the question of age hanging over his head. Unless he got the Expert to recommend him for exemption from age limit he had to keep ready for an order of discharge. The Expert held this before him. In self sustenance he had to accommodate the Expert and support Mr. O.Veeraraghavachari as best he could. But his conscience warned him against it. Hence his half hearted support to the effect that I was there not on my own free volition but on presure and my invitation by unknown and unspecified members of the crowd at the bridge. It is for the Director to see whether he deposes of his own free will or is fettered and speaks at the point of threat of extinction. Can any oredence be given to this kind of evidence particularly when it is wholly uncorroborrated? Can my presence at the bridge be held to have been proved? The Expert has since recommended him for exemption. Is this the prize for Ismail's services?

12. Is the "Confidential letter" dated 17-12-47 a genuine record of what really transpired on 15-12-1947? The alleged occurrence near the bridge was over before 12 noon on 15-12-1947 as seen from para 9 above and he could have attended office. He could have filed the complaint that very day. He attended office on the 16th without molestation. It is a myth that he was accompanied by peon Venkatappa;for very true he could have examined him at the enquiry. He did not do so. It is strange that heshould attend office at 8 a.m. when the office opens at 11 a.m. and equally strange that he should leave it at 2 P.M. three to four hours before the office closes. It might be that the Revenue Divisional Officer

visited the Filatures in the course of of his inspection of affected areas and Mr. O.Veeraraghavachari might have had a lift in his jeep. This is an attempt to prove the element of fear. If he did not report it to the Expert on the 15th did he do it on the 16th and when he travelled back in the jeep at that odd hour did he communicate his fear to the Revenue Divisional Officer? If he had, the Revenue Divisional Officer would have caused action to be taken immediately. Nothing of the kind is even alleged. On getting home back on the 15th, did Mr. O.Veeraraghavachari report the matter to the Magistrate or to the Police for Bandobust as any person in the circumstamces alleged by him would have done. He did not report to them nor did he report it to any Officer till the third day of the alleged occurrence i.e. 17-12-1947. He had five days notice of the strike according to his statement and fruitless appeals continued to be made to him. On the morning of the 15th-the daye of strike- he expects obstruction and goes to the house of the Assistant Silk Expert Mr. Gururaja Rao. The latter attended office that day and Mr. O.Veeraraghavachari could have gone in his company if he had cared. He did not go with him nor did he inform him that he wanted help. If he had done so Mr. Gururaja Rao would have been examined on his behalf. Mr. O.Veeraraghavachari would not have missed so valuable an evidence. In fact he has not even been cited as a witness still less examined. Failing help in Mr. Gururaja Rao's house he could have indented on the help of his the Stationary Sub Magistrate who was living only about two furlongs from his or less than one from Mr. Gururajan's residence. He did not do so. Does this show that he was in earnest in search of help to go to office or that he really wanted to attend the office. His failure to attend the office at about 12 noon on the 15th December 1947 (though he could as shown above) would appear to throw a shadow of doubt on such earnestness. This strange conduct on his part would appear to be explainable by only by the assumption that he was a cat on the wall. He wanted to have a holi-day with the strikers please

them and have the benefits of the atrike but he did not dare risk the displeasure of his employer or the dangers of the strike if it fizzled out. That is why he did not make a serious attempt to attend office or to complain of obstruction. When he smelt attempts to call off the strike and the employers carrying on unaffected, he thought it time to retrace his steps and return to the normal. Hence this specious story. His very attempt to cover up his lie nail it to the wall. Mr. Gururaja Rao is not known to have or to travell on anything but a bycycle. How can Mr. O.Veeraraghavachari expect any vehicle from him?.The story of his journey home on 15-12-1947 across paddy fields will be seen to give credit to his immagination. For the object of the strikers was according to himself not to prevent him from going home He says in his statement " Mr. Appaswamy came..... and asked me to return" According to the complainant's witness too the strikers desire was that he should get back. The road was clear too and every body including me had left,why should he then leave the road and take to the paddy fields? On his way to office if he took his course across the paddy fields he could have reached office without reaching the bridge and without being noticed by the strikers. It is for the Director to see what a truant this "Loyal Senior Official" has played.

(SO MUCH FOR THE COMPLAINANT'S STORY)

13. Has the Expert been fair to the Accused-to me? I put in a list of twentyseven witnesses to give evidence at the enquiry. He did not issue summons to 25 of them. His reasons for refusing summons speak for themselves. A large number of officials holding positions no way inferior to that of Mr.O.Veeraraghavachari had not suffered any obstruction from me and attended office Their defection in favour of the strike would be seen to have added considerably to the strength of the strikers cause for more than the association of this cat on the wall. In such circumstances would attention or efforts be directed to secure the farmer or the latter? Yet the Expert does not summon these witnesses. If the intimidation of Sri O.Veeraraghavachari were

were a fact and he wanted to go to office he would have reported to the Police, or the Magistrate seeking help. Can there be a more relevant or important evidence that that of the Sub Inspector of Police or the Magistrate? Yet in his order dated 15-3-1949 he says " I consider that there is no need to summon all the witnesses" cited because for him " it is necessary to get witnesses who were present at the scene of occurrence" How anxious he is to prove the complainant's case? It is for the complainant to prove his case but not for the investigating Officer. It is an account of this anxiety that he sees " no special and sufficient reason to call the witnesses working in other departments to speak to the effect that they were allowed to attend office without any hindrance by Mr. Appaswamy and also speak whether any police complaint was lodged by any of the loyal officials against Mr. Appaswamy ". His reasons for refusing to call the Sub Inspector of Police and the Sub Magistrate are worthy of note " I consider the Sub Inspector of Police or the Sub Magistrate are not the proper authorities to whom an act of intimidation in the N.G.O. strike should be reported". It is for you to see what this indicates and means.

14. From the order in appeal, that is the Proceedings of the Sericultural Expert, Kollegal in ref.No. 8204-S/47 dated the 6th day of April 1949, it is clear that he relies on the evidence of the complainant to prove intimidation on my part. The order itself reads " Sri O.Veeraraghavachari in his evidence stated that Sri T.V.Thangavelu held out a threat that he would not permit Mr. O.Veeraraghavachari to go to the office". A tense situation is said to have ensured then. It is admitted that I was in Kol egal at that time. The order itself says that I came there subsequently on summons and it is not alleged that I offered threat. When questioned whether on his refusal to yield to my entreaties and appeal I gave him any trouble the complainant has said " there was no bodily or any trouble except hurling slang words". He has elsewhere described these words as " not polite". His witness Mr. Ismail

does not attribute any threat to me. The effect of the evidence as summed in the Proceedings of the Sericultural Expert is in disproof of the charge of intimidation.

15. How came the Silk Expert to frame this baseless charge against me.? Mr. Ismail witness for the complainant was at the time of strike, office manager of the Silk Filatures. According to him Mr. Karunakara Rai brought the circular (manuscript strike circular) to my room " the prominant persons in the strike in the Filatures were Messrs. Karunakara Rai and T.S.Sundara Murthy..... I know Mr. Karunakara Rai was the central figure in organising the strike T.S.Sundaramurthy helped in organising the strike". According to witness Venkatesan " Mr. Karunakara Roy approached me near my house... and angrily questioned me as to why attended office and.... the next day that is on 16th December 1947.I was again stopped .... from going to the office when Mr. Karunakara Roy leader of the strikers prevented me from proceedin further to the office". Witness Seetharaman Asst.Foreman says " Sri P.S.Sundaramurthy Sri K.Karunakara Roy came to the labour colony where I wad put up, and asked me not to go to work and to attend a meeting of the N.G.C's" He adds " Mr.Karunakara Rai was opposed to our going back to work" . The Expert began to take action against these atrikers. It is an open secret in the Filatures that the Silk Expert bears illwill to Mr. Kannan the Technical Manager of the Filatures. He wanted to turn this atrike to advantage in his attempt to book him. He tried his hand with these unfortunates and banked upon Mr.Karunakara Roy asshe had immence influence in the Filatures. He dared not take or push through proceedings against him because he was reputed to have influence with and commanded the patronage of Mr. Adyanthiah who was the Join Director and some time Director of Industries under whom the Expert had served and of the Honurable A.B.Shetty, both Mangalorian like him, He wanted to use Roy's influence to the disadvantage of Mr. Kannan. It was at this juncture that Mr. O.Veeraraghavachari found his

chance got into the Expert's confidence and complained against Mr. K.K.Roy as he was the central and moving figure in the strike. He was its life force. To get the best out of the situation the Expert made a virtue of necessity and let off Mr. K.K.Roy. i.e. That is why the suspected mutilation in the true copy of the notorious " Confidential letter" of Mr. O.Veeraraghavachari granted to me. But when he was out of the woods Mr. Karunakara Roy refused to accommodate the Expert and rightly so, as against Mr. Kannan. He would not implicate and innocent and popular Officer. Others were punished for one reason or other, because they would not go against the Technican Manager. I was in good terms with Mr. Kannan on all the while, popular among collegues and he was ~~kinde~~ kind and true to me. The Expert tried to wean me from him and asked me to use my influence against Mr. Kannan. On pleading inability I incurred his wrath. The result is this baseless charge and this undeserved punishment. This follows close on the heals of an order of reversion in his ref.No.1578 E/47 dated 27-2-1949 of the Sericultural Expert, Kollegal which is in appeal before you.

16. A doubt may cross one's mind whether the Expert would so grossly stray away from the trouth and from the proper course of official conduct. The case of Mr. Sidda Setty Foreman Government Silk Filatures,Kollegal should throw light. In Ref. No. 8204-S/47 dated 12-3-1948 Mr. Siddasetty was charged with "Guilty of act of intimidation against those who did not join the strike"and he was asked to show cause against the charge The charge is dated 12-3-1948 but the complaint on which it is based is dated one day later i.e. 13-3-1948. It is a "statement" by Moth Tester, Kollegal Mr. Gopinatha Rao. No one would make it voluntary so long after the strike as nearly three months. The Expert lays a charge and then brings into existance a record to support it. This record contains no charge of intimidation at all. It is worth your kind perusal and it mention several employees and Siddasetty alone is charged.

17. Another instance of the Expert's straying away from the right path and of attempts to stifle defence is furnished by the way he managed with Mr. Masana Setty a witness cited by me and summoned by him. P.Jayaraya setty a Moth tester has married the sister of this witness. In No. A3. 1782-S/48 dated 9th day of February 1949 of the Sericultural Expert, the said moth tester was transferred to Chintalpudi in West Godavari District. This was received by me on 16-2-1949 i.e. 6 days before the enquiry against me. With the order of transfer was also a summon to him to appear as witness for the complainant. He did not appear however at the enquiry he did not want to perjure against me. He therefore alleged sickness and stayed away. An unwilling witness for the complaint was thus got out of the way and his absence could be attributed to illness which came in handy. This witness's brother-in-law Mr. Masana Setty was not willing that his brother. in law should go to far of Godavari District. Javarayasetty got him to stay away thus pleasing the Expert. A respectable defence witness was thus silenced. The Expert got two birds at one stroke. The said Javaraya Setty is now at his old post in Kollegal. Are not threat and reward in evidence.?

18. To sum up, the charge, of intimidation is not laid in the complaint. The evidence does not prove any. I, therefore, request that the order in appeal may be cancelled and I may be RESTORED to my previous STATUS.

True copy A.A.Appasamy

Yours Faithfully

(SD) A.A.Appasamy

Station Kollegal.

Dated. 18.5.1949

To A.S.

Please see the copy of another appeal sent by Sri Appasamy on pp 23-42 above. The original sent through proper channel may be awaited till 16-12-49.

Vide p21 above.

for 25 Aug 25.Aug.

No.6860-D.1/48.

Department of Industries & Commerce,
"Mackay's Gardens", Thousand Lights,
Cathedral P.O., Madras. 6.
Dated the 2nd December 1949.

To

The Secretary to Government,
Development Department,
Fort St. George, Madras.

Sir,

Sub:- Establishment - Industries - Sri A.Appaswami, Foreman, Government Silk Filatures, Kollegal - reversion as operative - Appeal -

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Ref:- Government Memorandum No.93101-D.I/49-1, Development, dated 14th November 1949.

The appeal petition of Sri A.Appaswami is being examined and I shall forward the same to Government with my remarks shortly

JGN.3/12/49.

for Director of Industries & Commerce.

4027

DEPARTMENT OF INDUSTRIES AND COMMERCE.

From

Sri M.T.Raju, Bar-at-law, I.C.S.,
Director of Industries and Commerce,
"Mackay's Garden",
Cathedral Post Office,
M a d r a s - 6.

To

The Secretary to Government,
Development Department,
M a d r a s.

No. 6860--D.1/48 dated 6---1---1950..

SIR,

Sub:--Establishment - Industries - Government Silk Filature, Kollegal - Sri A.Appasami Reversion as operative - Appeal.

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Ref:--1). Government Memo No. 93101--D.1/49-1 Development dated 14--11--1949.

2). This office letter No. 6860-D.1/48 dated 2--12--1949.

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I forward herewith the appeal petition dated 9--9--'49 of Sri A.Appasami referred to in the Government Memo cited with the following remarks:

Consequent on the temporary closure of the Government Silk Filature, Kollegal and the retrenchment of certain posts in the early part of 1949, Sri A.Appasami temporary foreman on Rs. 45--3--75 in the filature section was reverted by the Sericultural Expert with effect from 1--3--'49 as operative on Rs. 24--1--32--1/2--35 in the sericultural section. His appeal against the order of reversion was dismissed by my predecessor and a second appeal has now been preferred to Government.

3 I have examined the connected records and I find that the petitioner was working on a temporary basis as a Foreman in the filature at Kollegal from 1943 onwards. After the amalgamation of the Kollegal Silk Filature with the Government Silk Filature in 1946 the question of framing adhoc rules for the posts in the combined concern was taken up and the adhoc rules were finally issued in G.O.No. 5919 Development dated 1--12--'48. The qualifications prescribed for the post of Foreman are:--

1) - The minimum general educational qualification, and

2) - Practical experience in silk reeling technique for a period of not less than 2 (two) years.

There were five posts of Foremen in the Government Silk Filature, Kollegal of which one was retrenched with effect from 1--3--'49 vide Annexure B.to this office letter No.368.D1/49 dated 5--3--'49 and G.O.No.2374 Development dated 4--5--'49. A statement showing the names and qualifications of the persons holding the posts of foreman at the time of retrenchment is enclosed from which it will be seen that all the incumbents except the petitioners are S.S.L.C., holders and possess either

P.T.O.

either minimum general educational qualification or a qualifications approximating to it, while the petitioner's academic attainments are far below the educational standard prescribed for the post, having studied upto IIIrd Form only. The petitioner was therefore selected for discharge consequent on the reduction in the number of posts of foreman, although he had put in longer service than the rest in that post. His claim for retention as foreman in preference to the others on the ground of seniority is untenable since the petitioner is not qualified to hold the post. Of the four persons continuing as foreman the appointments of two have since been regularised and the question of relaxing the service rules in favour of the other two is under consideration.

4 The petitioner contends that his juniors were acting in posts of the same status as that of foreman and that one of them should have been reverted to give place to him. In the filature section there are two posts of store-keeper carrying the same scale of pay as the post of foreman; and the qualifications prescribed for those posts also are the minimum general educational qualification and practical experience in handling cocoons and silk. Janab Saiduddin and Sri N.R.Dasaratha-Raman have been acting in those two posts. The former is an S.S.L.C., and is better qualified than the petitioner. There is no information regarding the qualifications of Sri N.R.Dasaratha-Raman Any how the post of store-keeper requires a cash security of Rs.500/- (Five hundred) and it was quite inexpedient to disturb the incumbents of such posts merely to provide an unqualified man, especially when the retrenchment was in some other post.

5 The other persons who are alleged in the petition to be junior to the petitioner have all been working in the Sericultural Section, but not in the Filature Section from which he was reverted. Further all of them except Gulam Abbas Syed and T.S.Seshadri hold substantive appointments in catagories higher than the post of operative to which he was reverted. Gulam Abbas Syed has been acting as farm foreman on Rs. 45--3--75 from 26--10--'49 and T.S.Seshadri as farm demonstrator on Rs.30-1--45 from 14--10--'46. They are better qualified than the petitioner. In the above circumstances the reversion of the petitioner was quite justified.

for DIRECTOR OF INDUSTRIES & COMMERCE,
MADRAS.

SDS/10.1.

S.No.	Name of incumbent.	Qualifications.	Qualification prescribed.	Date of appointment in the present post.	Scale of pay.
(1)	(2)	(3)	(4)	(5)	(6)
					Rs.
1.	Sri A.Appasamy. (Foreman).	Undergone IIIrd form course - Holds lien in Sericultural Section as Operative-Passed Seri-Training at the Central Seri-cultural School, Mysore for one year.	1) - Must possess minimum general educational qualifications - prescribed in the schedule to the General Rules. 2) - Must possess practical experience for a period of not less than two years in silk reeling Technique.	1----3----'43.	45--3--75.
2.	Sri R.Nagasundaram. (Foreman).	S.S.L.C., passed - Type-writing Shorthand - Junior Grade of the Mysore Government Technical Examination - Book keeping and accountancy - Practical course in silk technique for 3 years in Kollegal Silk Filature Ltd., Has not secured the minimum marks in C.group S.S.L.C. examination.		1---11----'43.	45--3--75.
3.	Sri A.R.Ranga Rao. (Foreman).	S.S.L.C., of the Mysore Govern--ment.		1---10----'43.	45--3--75.
4.	Sri S.Sidda Setty. (Foreman).	S.S.L.C., - Holds lien in Seri-culture as Operative - Services since regularised.		1---11----'43.	45--3--75.
5.	Sri M.P.Sivanna. (Foreman).	S.S.L.C., - Holds lien in Seri-culture as moth Tertes - Trained in Sericulture at Kollegal - Tests passed. Practical training in silk reeling technique - Ser-vices since regularised.		7----7----'43.	45--3--75.

P.T.O.

(1)	(2)	(3)	(4)	(5)	(6)
					Rs.
6.	Mr. Saiduddin Ahmed. (Store-keeper) 45--3--75.	Store-keeper - S.S.L.C., Practical training in silk reeling technique.	1.Minimum general educational qualification. 2.Experience for a period of not less than 2 years in handling cocoons and silk . 3.Ability to furnish cash security of Rs.500/-.	2----4----1945.	45--3--75.
7.	N.R.Dasaratha Rama (Store-keeper).	Store-keeper - Test passed - Practical training in Silk Reeling Technique.		1----4----1944.	45--3--75.

SDS/10.1.

Superintendent

24-7½

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From
A. Appaswamy,
Foremen (On leave)
Government Silk Filatures,
Kollegal.

To
The Chief Secretary to Government,
Government of Madras,
Ft. St. George,
Madras.

The Sericultural Expert,
Kollegal.

Sir,

THIS IS AN APPEAL from the Order of the Director of Industries & Commerce, Madras in his Memo No. 6860-D.1.49 dated 30-7-49, communicated by the Sericultural Expert, Kollegal in his Endorsement No. A.4. 17085-49 dated 5.8.49. The date below the Experts' signature is '6' which has been overwritten to read as '5'. This reached me on 10-8-49.

2. The appeal is in time.

3. The order in appeal is not consistent with the Government Order on the subject. It is a violation of it. The order is on my appeal dated 21-3-49 against the Order of the Sericultural Expert, Kollegal in his No. 1578/E-47 dated 27-2-49. The Director has missed the main point in appeal.

4. The language of the Order of the Sericultural Expert is worthy of notice. Under the head 'Subject' in his order the Expert says that "due to temporary closure for a period of three months from March, 1949" "retrenchment of staff--ordered". The body of the order opens with the sentence "consequent on the proposed temporary closure of the Government Silk Filatures, Kollegal, the following transfers are ordered". Is it a 'transfer' or 'retrenchment'?. A transfer should appear to mean posting of an officer from one post to another of equal grade. But the Experts' order itself admits that "Sri A.Appaswami, Foremen, G.S.F.-- Kollegal is "reverted" -- as Operative". The Expert attributes this to "the abolition of one of the posts of foremen". All told,

it is a case of retrenchment and should have been adjudged on merits according to G.O. No. 108, Public (Services), dated 10-1-1949. This has not been done. This G.O. clearly protects seniors like me enjoining as it does the discharge of junior most members. Accordingly other foremen who are my juniors should have been discharged before me. Sri Raghunatha Rao, Demonstrator; Gulam Abbas Syed, Farm Foremen, Hosur; T.S. Seshadri, Demonstrator, Hosur and Azimudin, Moth Tester, Kollegal; are all my juniors for periods from two to three years. Not one of them is qualified for his post. Sri V.N. Kurian, Market Officer, Kollega; Janab Sheik Ahmad, Demonstrator, Kollegal; Sri Ragunatha Rao, Farm Manager, Horapanahalli; Dasaratharaman, Cocoon Store Assistant, Kollegal; and T. Dakshinamurthy, Seed Campaign Assistant, Dankanikota; are among those who are not qualified not merely for their present post but even to be moth testers. Probably Raghavendra Rao has read up to the IV Form and the others III Form or less. They have not even the minimum qualification for entry into Public Service. Dasaratharaman is besides my junior having been recruited by me as Assistant Foremen. Sri T. Dashinamoorthy who never entered the portals of a high school and who in 1947 was suspected of misappropriating Government money and so reverted has, instead of being checked out as unqualified and not bearing a good character, been promoted as Seed Campaign Assistant about the time of my reversion. It is rumoured that a like charge is pending investigation against him and that he ~~has~~ is absconding. Janab Ismail, Factory Assistant and Janab Syed Uddin, Silk Store Assistant Government Silk Filatures, Kollegal are both disqualified being over aged.

5. According to the orders of the Sericultural Expert, in appeal, mine is a case of retrenchment and is governed by G.O. No. 108 Public (Services) dated 10.1.49. The junior most should be sent out. The reverse step was taken

by the Expert in ousting me, the senior; no question of qualification was raised by the Expert in his order referred to above. It cannot be raised now and that too behind my back. It is too late in the day for him or for the Director to do so now.

6. According to the order of the Expert No. 1578 E-47 dated 27-2-49 one of the post of Foremen and one only was abolished as the Filature was to be closed temporarily. There were other foremen and other employees in equal posts one of whom should have been removed as being the junior -most. They do not have superior qualification to mine. As shown in para 4 above there are several unqualified men in service.

7. Even his belated plea of qualification which was not raised in his order now in appeal has not been applied to others noted above who lack length of service as much they lack qualifications. Yet they are retained and even granted preferment. When an order relating to qualifications for employees in a service is sought to be enforced, one would expect it to apply equally to all posts in similar circumstances. Does the above show such application? A glaring breach of rules will be seen to have been practised on me by the Expert.

8. In regard to general qualifications few men in the non-gazetted ranks are qualified according to rules. Where they are, they lack professional qualifications or service or experience as prescribed by the rules. So judging even Mr. A. Ramachandra Rao, A.S.E., I., does not hold the minimum qualification for service. He is not even an S.S.L.C., Some are barred by age from holding their posts.

9. So far as the Technical Qualifications go, I may be permitted to submit that I was trained in the same Sericultural class---The Central Sericultural School, Mysore--

as the present Expert was. Few of my collegues can prefer this claim.

10. I am not the only person lacking qualification as the Expert says. There are many in the service suffering from defect of qualification of one kind or another. They have not, any of them, been disturbed. Copy of my appeal to the Director is herewith enclosed for favour of perusal. Para 4 of it from the bottom should show that I was appointed to the post of Labour Recruiting Assistant as in the opinion of the then Expert and the then General Manager of the G.S.F., I was the best fitted for the post. Appointments were then made with a realistic and objective view of men and material to meet the emergency.

11. Another appeal from me against the order of the Sericultural Expert in his No. 8204/S.47 dated 6.4.49 is pending before the Director. I am not sure whether comment on it would be proper as the matter has not been disposed of. Some reference however is unavoidable. There has been and there is bad blood between the Sericultural Expert and Mr. Kannan Technical Manager, Government Silk Filatures. The Expert tried to use me against him. I refused to become his tool. The result is the order now in appeal and another lying before the Director, awaiting disposal. I herewith enclose copy of the last part of Para 9, of that appeal.

> "But when he was out of the woods Mr. Karunakara Roy, refused to accommodate the Expert, and rightly so, as against Mr. Kannan. He would not implicate an innocent and popular officer; others were punished for one reason or other because they would not go against Technical Manager. I was on good terms with Mr. Kannan. ~~on the whole~~ popular among collegues and he was kind and true to me. The Expert tried to wean me from him and asked me to use my influence against Mr. Kannan. But pleading inability I incurred his wrath. The result is this baseless charge and this undeserved punishment. This follows close on the heels of an order of reversion in his reference No. 1578-E.47 dated

27-2-49 of the Sericultural Expert,Kollegal which is in appeal before you".

12. To sum up, the Sericultural Expert treated my case as one of retrenchment. The relevent G.O. No. 108 Public (Services) dated 10-1-49 directs discharge of the junior most. I am the senior most and should not have been reverted. The Expert has been actuated by malice and has acted turning his blind eye at the relevent orders and rules and has wholly ignored them.

13. Even if the question of qualifications should found relevent, its ~~obligation~~ application is much belated and ignores years of proved service particularly those during the war totalling over six years. Other employees referred to above are equally vulnerable with me and should go before me being my juniors. It is merit deriving from work and not from school certificate that counts in Technical services. My work has been approved by Mr. K.T. Achiah the first Sericultural Expert with the Government and by Mr. Pechaud Deputy Director of Industries of the Government of India and the then General Manager, Government Silk Filatures, Kollegal.

14. Probably a plea of inapplicability of the principle of seniority to appointments under the Emergency Rules of the Civil Service Regulations may be advanced by the Expert. But it will be seen that such a plea cannot stand as the obligations of service on these nominees are the same as those on the others appointed ~~elsewhere~~. otherwise. Common obligations should confer common rights. Elementary principles of justice and fairplay would appear to be applicable to all servants appointed under the provisions of the Civil Service Regulations.

15. For the foregoing reasons I request that you may be pleased to cancell the order in appeal and retore me to

59

my post of FOREMAN. The latest Government Order even in regard to temporary employees prescribes fairness and sympathy and leans ~~leans~~ towards their retention. My total service in the Department is a little less than 14 years.

I beg to remain,
Sir,
Your most obedient Servant,

A. A. Sparrow.

Kollegal, ::
Dated: 9-9-49

Copy Submitted to the Chief Secretary to Government, Madras, direct to save delay.

Copy to the Sericultural Expert, Kollegal.

Copy to file.

****

No. 1578/E-47.

Office of the Sericultural Expert, G.S.F., Kollegal, dated 27th February, 1949.

Proceedings of the Sericultural Expert, Government Silk Filatures, Kollegal.

****

Name: Sri A.T.Janakiraman, B.Sc.,

Sub: Government Silk Filatures, Kollegal - Temporary closure for a period of three months from March 1949 - Retrenchment of staff — Ordered.

....

ORDER:

Consequent on the proposed temporary closure of the Government Silk Filatures, Kollegal the following transfers are ordered:—

1. On the abolition of one of the posts of Foremen, Sri A.Appaswamy, Foreman, Government Silk Filatures, Kollegal, is reverted to the Sericultural Section as Operative from 1.3.1949. He should be relieved at the Government Silk Filatures, Kollegal on 28.2.49. On reversion, Sri A.Appaswamy is posted as Operative, Central Silk Farm, Kollegal, vice Sri N. Sankaranarayanan, Operative. Sri A. Appaswamy should report for duty to the Assistant Sericultural Expert (Mulberry Research), Kollegal.

2. Sri N. Sankaranarayanan, Operative, Central Silk Farm, Kollegal, on relief by No.I is posted as Operative, Central Grainage, Kollegal.

(Sd) A.T. Janakiraman.
Sericultural Expert.

To

Sri A.Appaswamy, Foreman Thro' The Manager (Tech).

Forwarded:

(Int) ..
T..28.2...

—oo—

From
A. Appaswamy,
Foreman (on Leave)
Government Silk Filatures:
Kollegal.

To
The Director of Industries & Commerce,
Madras.

Thro
The Manager (Technical)
The Sericultural Expert,
Kollegal.

Sir,

I beg to submit the following to your kind consideration and favourable orders:

This is an appeal against the order of the Sericultural Expert, Kollegal in his No. 1578-E/47 dated 27.2.49. It reached me on 10-3-1949. The appeal is therefore in time.

The order under reference reads, "Consequent on the proposed temporary closure of the Silk Filatures, Kollegal the following transfers are ordered." In the paragraph next following it is stated "Sri A.Appaswami Foreman, Government Silk Filatures, Kollegal, is reverted." You will be pleased to note that "Reversion" is not "Transfer."

The reason for this strange order according to the opening paragraph is "the proposed temporary closure of the Government Silk Filatures." Temporary closure cannot be a justification for a permanent reduction in grade and salary. Such a reduction can only follow proved charges, specifically so punishable. The order does not even hint at any such charges.

In paragraph (I) of the order the Reversion would appear to follow "The abolition of one of the posts of the foreman." There are, as the order itself shows, other posts of foremen to one of which I should have been posted or transferred. Barring proposed temporary closure of the Filatures and alternatively abolition of one of the posts of Foremen no reason is assigned for this permanent

reduction which is however misnamed as "transfer".

G.O. No. 108, Public (Services) dated 10-1-1949 is quite clear as to how to deal with such cases. Rule 5 (a) (5) expressly declares that juniority should alone count and that the juniormost should be ousted first. The seniors are expressly protected against discharge in favour of juniors.

I was transferred from the Sericultural Section to the Filatures when the Filatures were opened, as being the best-fitted for the post of Labour Recruiting Assistant against the rival claims of others whom the then Sericultural Expert and the General Manager of the Filatures found unfit for the Job. The General Manager was an officer of the Government of India. He approved my selection to the post. This was over six years ago. Since the appointment to the Labour Post the then Manager entrusted additional work to me involving functions vital to the Filatures, such as the Procurement of the Chief raw material, viz., Silk Cocoons, their storage,etc.,. this designation was then changed to "Foreman" as all these posts were of the same grade. I have been working as such for the last three years or more. The posts of Cocoon store-keeper and Silk store-keeper are of the same grade as that of Foreman.

The remaining four Foreman and holders of the other offices of equal grade and status noted above are all juniors to me by periods ranging from about four months to about two years or a little less. This is so far as service in the Filature aline is concerned. But as submitted above I have put in eight years' service in the Sericultural Section before I was drafted to the Filatures as stated above. This would clearly show that I am far too senior to those now retained.

The order under appeal is therefore opposed to all canons of justice and relevent rules and offends against the G.O. cited. My claims are fair and just and based on Government orders.

I therefore humbly submit that you may be pleased to

set aside the order of the Sericultural Expert and restore me to my old office, status and grade.

Yours faithfully,
(Sd) A. Appaswami

Kollegal,
21.3.1949.

Copy submitted to the ~~District~~ D. of I.& C. Madras, direct to save delay.

--True copy--

6. 1/52

Dev (DI) Dept 67

Pl. issue 4/2/50

Memo. No. 93101 DI/49-2 dated 6-2-50 69

Sub: Establishment – Industries – Govt. Silk Filatures, Kollegal – Sri. A. Appasaamy, Reversion as Operative – Appeal.

Ref: Letter from the DI&C No. 6860 DI/48 Dev d/6-1-50

The attention of the DI&C is invited to para 4 of his letter cited and he is requested to ascertain and report the general educational qualifications of Sri N. R. Dhasarathi-raman and also to state whether he satisfies the other two conditions prescribed for the post of Storekeeper viz. Practical experience in handling cocoons and silk and ability to furnish Cash Security of Rs. 500/-

To

The DI&C,
Madras.

4/2/50 Wk 4.2.50.

5-2-50

25.3.50

Memo. No 93101 DI/49-3 dated 8.3.50

Pl. issue
8/3/50

Sub: Establishment - Industries - govt. Silk Filatures, Kollegal - Sri A. Appasamy - Reversion as operative - Appeal.

Ref:- Govt. Memo. No 93101 DI/49-2 dated 6/3/50

The ~~attention of the DI & C is invited to the Memo cited and he~~ is requested to expedite his reply ~~in the matter~~ to the memo. dtd 25

The D I & C, Madras

28.3.50

4/3/50 1.3.50

7350

Dev (DI) Dept.

pl. issue 29/3

Memo No 9310/DI/49-4 dated 29-3-50

Sub: Establishment - Industries - Govt. Silk Filatures, Kollegal - Sri A. Appasamy - Reversion as Operative - Appeal.

f/c + c.f.
f/TD : f

Ref: Memo No 9310/DI/49-2 Dev dated 6/2/50 and the reminder dated 8.3.50

The DJ & C is requested to expedite his reply to the Memo cited.

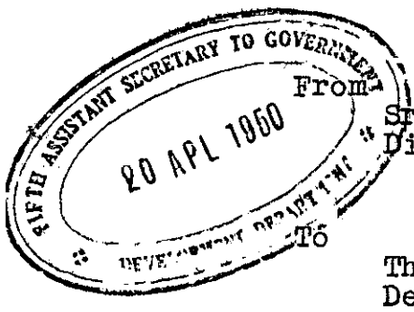
To
The DJ & C,
Madras
(25-4-50)

29/3/50 Ws 29.3.50.

1935

No.6860-D1/48

Department of Industries & Commerce,
Cathedral P.O., Madras. 6.
Dated the 18th APRIL 1950.



From

Sri M.T. RAJU, Bar-at-Law, I.C.S.,
Director of Industries & Commerce,
Madras.

346-75

To

The Secretary to Government,
Development Department,
Fort St. George, Madras.

Sir,

Sub:- Establishment - Industries - Government Silk Filatures, Kollegal - Sri A. Appaswami - Reversion as Operative - appeal.

Ref:- Government Memorandum No.93101-DI/49-2, Development, dated the 6th February 1950.

I have ascertained from the Sericultural Expert that Sri N.R.DasarathaRaman has studied privately up to III Form only, but that he does not possess any certificate for the same.

2 With regard to the conditions prescribed for the post of Store-keeper, viz., experience for a period of not less than two years in handling cocoons and silk with practical knowledge as regards nomenclature and weighment, the Sericultural Expert states that Sri N.R.DasarathaRaman possesses the requisite experience, as he was working as Supervisor in the Government Silk Filatures from 29th April 1943 to 31st December 1943 (which post was subsequently designated as Assistant Foreman) and as Cocoon Store Assistant from 1st January 1944 onwards (which later took the name of Store-keeper).

3 As regards the condition that the candidate must have ability to furnish cash security of Rs.500/-, the Sericultural Expert states that Sri DasarathaRaman has already furnished a security of Rs.500/- in the shape of fidelity bond which is being renewed from time to time.

for Director of Industries & Commerce.

JGN.19/4/50

C.F. 16.

DRAFT FOR APPROVAL.

pl. issue
Dy 3.2.51

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined..		
When signed ..		
When despatched.		

SUBJECT :— Establishment - Industries - Govt Silk Filatures, Kollegal - Sri. A. Appaswamy Reversion as operative. Appeal - Orders passed.

READ AGAIN ....., dated ..... 19....

" " ..... " ..... 19....

READ *ALSO* :—

ff 45 46 cf C No. 93101 M1/49 From the D. I & C ....., No. 68601/48 dated 6-1-1950

f 7 cf " ..... " ..... " ..... " 6860 D1/48 " 18-2-1950.

" ..... " ..... " ..... " ..... 19....

Order / ~~Resolution~~ Ms. / ~~Rout.~~ No. 542 dated 3/2/1951

Govt order in O Mst pp 5-6 nf

The Govt observe that Sri. N.R. Dasaratharaman does not possess the requisite qualifications for the post of Store-Keeper, Govt Silk Filatures, Kollegal and consider that he need not be retained ~~preference~~ as a Storekeeper in preference to Sri A. Appaswamy who is educationally more qualified and in no way less experienced than the former. They therefore direct that Sri. A. Appaswamy be appointed as Storekeeper, Govt Silk Filatures, Kollegal in the place of Sri. N. R. Dasaratharaman.

G'R' on pbnf

To The D. I & C / Steno.

copy to Sri. A. Appaswamy through the D. I & C

Spare - 1.

Pay 31.1.51 31/1

31.1.51

1/2

Development Department.

Sub: Establishment - Industries - Government Silk Filatures, Kollegal - Sri A. Appasami - Reversion as operative - Appeal.

Ref: Letter from the D. I & C. No.6860 DI/48 dated 6th Jan. 1950.

****

Please see the appeal petition from Sri A. Appaswami Ex-Foreman, G.S.F. Kollegal on pp.49-59 c.f. and the remarks of the D. I & C. on pp.45-46 c.f. The D. I & C. reports that on a perusal of the connected records be found that Sri Appaswami was working on a temporary basis as a Foreman in the Filature at Kollegal from 1943 onwards. Consequent on the temporary closure of the Government Silk Filature Kollegal ~~from~~ and the retrenchment of certain posts in the early part of 1949 Sri Appasamy, temporary Foreman on Rs.45-3-75 in the filature section was reverted by the Sericultural Expert with effect from 1-3-49 as operative on Rs.24-1-32-1/2-35 in the Sericultural section. His appeal against the ~~order of reversion~~ the order of reversion has been dismissed by the former Director and a second appeal has now been made to the Government.

para 2 on p45 c.f

According to the Ad hoc rules for the posts of the G.S.F. Kollegal issued in the G.O.Ms.No.5919 Development dated 1-12-48 the qualifications prescribed for the post of Foreman are:

Not put up

(1) The minimum General Educational qualification and

(2) Practical experience in silk reeling technique for a period of not less than two years. There were five posts of foreman in the G.S.F. Kollegal of which only four were sanctioned continuance upto 31-3-50 in the G.O.Ms.No. 2374 Dev. dated ~~&~~ 4-5-49 abolishing one post of Foreman. Consequently Sri Appaswamy has been reverted as operative and transferred to the Sericultural Section on the ground that he was less qualified educationally than the other

para 3 on p45-46 c.f.

Not put up.

other four foremen. Sri Appasamy has studied upto III Form and therefore does not possess the educational qualification prescribed for the post of Foreman whereas the other four incumbents have studied upto sixth form. Two of them have been regularised and among the other two Sri A.R.Ranga Rao does not seem to possess the qualification of practical experience and Sri R. Nagasundaram has not secured the minimum marks in the C groups S.S.L.C. examination. The Director states that the question of relaxing the service rules in favour of the above two is under consideration.

The petitioner Sri Appasamy represents that he has been overlooked when his juniors have been retained though two of them are not fully qualified to the post. Sri Appasamy has ample practical experience prescribed in item 2 of the qualifications to the post of Foreman but does not possess the educational qualification. The petitioner contends that according to G.C.Ms.No.108 Pub. (Ser.) dated 10-1-49 one of his juniors should have been reverted. The Director states that the claim of Sri Appasami for retention as Foreman in preference to the others on the ground of seniority is untenable since the petitioner is not qualified to hold the post. The petitioner represents that he should not have been reverted on the ground of want of educational qualification in view of the fact that both the foreman Sri Nagasundaram and Sri Rangarao are not also fully qualified to the post. As regards the contention of the petitioner that his juniors were acting in posts of the same status as that of Foreman viz. as Storekeeper the Director states that there are two posts of Storekeeper on the same scale of Foreman in the Filature section and the qualifications prescribed for the post of Store-keeper are:-

(1) Minimum General Educational qualficiation

(2) Practical Experience ~~for a period of not less than 3 years~~ in handlong cocoons and silk and

(3) ability to furnish cash security of Rs.500/-

Janab Saiduddeen and Sri N.R.Dasaratharaman have been acting ~~and~~ in these two posts. It is reported that Janab Saiduddin is an S.S.L.C. and fully qualified to the post but there is

no .....

Memo dt. 6-3-50

A

no information regrding the qualifications of the other Sri N.R.Dhasaratharaman. Though there is a possibility of appointing Sri A. Appasamy the petitioner, in the place of Sri N.R.Dhasaratharaman if the latter is less qualified than the petitioner the Director states that it was quite inexpedient to disturb the incumbents of such posts to provide an unqualified man especially when the retrenchment was in some other post.

1 of 46 n.f.

In the circumstances it is for orders whether the view of the Director at A on p.46 n.f. may be accepted and the appeal be rejected or

whether the Director may be requested to ~~reconsider~~ consider ~~the case~~ whether Sri Dhasaratharaman can be replaced by the petitioner with the cash security required, if the former is in any way less qualified than the petitioner. Pub. (Ser may see for remarks.

11-2-50 W. 1.2.50.

A above

M.

It would appear necessary to ascertain from the DI&C what the general educational qualifications of Sri Dasaratharaman are and whether he satisfies items (2) & (3) at B on p 2 above before the case of Sri Appasamy is decided.

1.2.50. 5.2.50

With reference to the order at M above a draft Memo to the DI&C below is submitted for approval.

4/2/50 W. 4.2.50.

5-2-50

[Issued as Memo. No. 93101 DI/49-2 Dev dated 6-2-50

[Letter from the DI&C. No. 6860 D1/48 dated 18-2-50

4

DOV (DI) Deptly

To A.S.

Please see the reply from the DD & Conft ct. with reference to the govt Memo at P69 c.f.

As regards the educational qualification of Sri. N.R. Dasaradharaman the Storekeeper in the Filature section referred to at A on P3 above the Director reports that the incumbent has studied privately upto III Form only and he has no certificate for the same where as Sri A. Appaswamy the petitioner has studied upto III Form and has undergone sericultural Training at the central sericultural school, Mysore for one year. With regard to the qualification of practical experience for a period of 2 years in handling cocoons and silk prescribed for the post of storekeeper, the Director reports that Sri N.R. Dasaradharaman has the requisite experience in having worked as Supervisor in (The G.S.F.) Kollegal, Asst. Foreman and Storekeeper since 1943. In this connection it may be mentioned that Sri A. Appaswamy the petitioner has been working as Foreman in the Filature from 1943 onwards and he should thus be more experienced in this regard.

As regards the condition (3) on Page 2 above viz that the candidate for the post of Storekeeper must have the ability to furnish security of Rs 500 it is reported that Sri Dasaradharaman has furnished the security only in the shape of a fidelity bond which is being renewed from time to time. Attention is invited to M on P3 above. In view of the fact that Sri Dasaradharaman seems to be educationally less qualified than Sri Appaswamy and is in no way more experienced than the latter, it is for

Para 2 on P.1 of
W.P.
Cnq. 8023 DF/50

For this connection it may be mentioned that Sri A. Apparaswami was reduced in his pay by two stages in the time scale of Rs. 45-3-75 for having intimidated Sri. O.V. Chari, Manager, Serial Experts office, Kolegal when the latter refused to join the N.G.O's strike in Dec. 1947. The appeal petition submitted by Sri Apparaswami is pending in the linked file. It is therefore for orders whether this may lie over till final orders are issued in that file.

A.

5/5/50 WJ 5/5/50.

Form D.C.4
(on page 40(2))

B

There seems to be no need to keep the file pending. DDE has given good reasons for rejecting the appeal. The appellant is merely an undesirable person indulging in his ardent duty the strike & deserves no consideration. The appeal may be dismissed

5/5/50

Hm (Ind)

C

"A" approved.

6/5

To AS

Notes from p.4 above and Orders in circulation at 'C' above may be perused. It has been ordered in circulation that the appeal petition of Sri A. Apparaswami regarding reduction in his pay for partaking in N.G.Os Strike in 1947, may be rejected. In the circumstances and vide 'B' above, it is for orders whether this appeal of the same person also will be rejected.

Cf 'M' myl3 NF/LF
No 8023 mf/50

Dis linked & sent to issue

Rev 46

BM 22.1.51

25.1.51 DS

H the Ind.

As has been pointed out in the office note

6/

C No 93101 cnf /49

Sri Dasaratharaman does not possess the requisite qualifications and there is no reason to promote him over the head of Sri Appasami. Sri Appasami may be restored to the post of foreman. Re. his participation in the N.G.O. strike, he has been sufficiently punished by reduction of pay by two stages and that need not stand in the way of his restoration.

(R)

Restoration

To As

Orders in Circulation from pp 8 above may be perused. ~~A draft order is enclosed for approval.~~ Sri Dasaratharaman is now holding the post of storekeeper in the Govt Silk Dilatures, Kollegal. It is presumed that the true intention of Govt is that he should not be retained as storekeeper in preference to Sri Appaswami. Draft order is accordingly submitted.

30/1/51

31/1/51

D.S 1/2 Section Officer

SECRETARY TO GOVERNMENT
8 FEB 1951
DEVELOPMENT DEPARTMENT

(Issued as G.O. No 0542 Dev dt 3.2.51)